



**City of  
Waukegan**  
100 N. Martin Luther King Jr. Avenue  
Waukegan, Illinois 60085  
www.waukeganweb.net  
(847) 599-2500

**Wayne Motley, Mayor**  
**Artis Yancey, City Clerk**  
**John R. Schwab, Treasurer**

**JUDICIARY COMMITTEE  
MINUTES  
MAY 28, 2013  
6:30 PM**

**1.0 Roll Call**

PRESENT: Alderman Rivera, Alderman TenPas, Alderman Valko, Alderman Newsome  
ABSENT: Alderman Moisio

**2.0 Approval of April 29, 2013 Minutes**

Motion by Alderman Newsome and seconded by Alderman Valko to approve the minutes of the April 29, 2013 Judiciary Committee  
AYES: All NAYES: None

**3.0 Old Business**

NONE

**4.0 New Business**

Alderman Rivera explains the format for the meeting, petitioners and objectors both receive 30 minutes. Then the petitioners will have 10 minutes to answer questions.

**4.1 Zoning Calendar #2382**

Petitioner: River Glen Capital Group, LLC  
Location: SE Corner of Belvidere and River Roads  
Request: Preliminary Plan of a Planned Unit Development (Asters on River)

**4.2 Zoning Calendar #2383**

Petitioner: River Glen Capital Group, LLC  
Location: SE Corner of Belvidere and River Roads  
Request: Map Amendment from R1 Single-Family Residence to R5 Limited General Residence (Asters on River)

**4.3 Zoning Calendar #2384**

Petitioner: River Glen Capital Group, LLC  
Location: SE Corner of Belvidere and River Roads  
Request: Vacation of River Glen Subdivision

Items 4.1 to 4.3 were presented together, as they are related to one another.

Glen Christensen presented on behalf of the petitioners. Glen describes the site and the surrounding property. He explains the recent development history of the property including the previously proposed development. Glen states that River Glen Capital Group hired the consulting firm Tracy Cross, to perform a real estate market analysis that resulted in a recommendation of 168 townhomes. River Glen Capital Group is proposing 155 townhomes, 71 conventional and 84 row homes. This will be a \$38-44million development. With home prices from \$250,000-\$300,000. The development will bring needed sewer and water improvements as well as improvements to turn lanes at River Rd. and Belvidere Rd. Estimated taxes after build would be \$225,000/yr to the city and \$96,000/yr to the park district. River Glen Capital Group hired two separate traffic consulting firms to perform studies, Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA)

and Gewalt Hamilton. Glen states that both firms concluded that the proposed development would be minimal on traffic patterns. Real estate firm Tracy Cross indicated that property values will not be adversely affected and the single family development is not the highest and best use of the property. Glen states that the comprehensive plan prescribed commercial development for the property, and that the proposed development is far less dense. Glen explains that approval of the conditional use permit as a planned unit development will lock in the site plan, design, and density of the development.

Alderman Rivera States that the 30 minute time limit is up and the objectors now have 30 minutes

Joe Morrison presents on behalf of objectors. Joe Morrison states that the petitioners do not have the right to build 155 units, they have the right to build 41 single family homes. The petitioners have not produced any school district agreements and they have not produced a tree survey. The law says that if you change zoning from R1-R5 you must meet the standards. Instead of following the document entitled The Guiding Principles of River Road, the petitioners want to follow a comprehensive plan from 1986. Joe states that the original plan was 81 single family lots that the city denied and approved 41 single family lots, now they want 155 townhomes. The Guiding Principles of River Road were established to protect the rural character of the unique area and improve safety, this development does neither. The intersection of River and 120 is ranked in the top 5% most dangerous and this development will only make it worse. Joe states that their price points are made up and there is nothing to base them off of. The trend of development in the area is not townhomes; this is a dangerous trend to establish. I urge you to recommend denial.

Erwin Zecher presents on behalf of objectors MF 14 LLC and Libertyville Investors LLC. Erwin states that the comprehensive plan says that a paramount goal is to balance urban and scenic areas. The findings have not been approved. A recommendation was never given. He urged the committee to deny the petition.

Alderman Rivera states that the 30 minute time limit is up and the petitioners have 10 minutes to respond.

Glen Christensen responds on behalf of River Glen Capital Group LLC. Glen states that the sewer agreement is a cart before the horse scenario. There is a standing agreement from the previous proposal with the school districts. We will have an updated tree survey and landscape plan shortly. We have had discussions with Waukegan Park District about impact fees. Tracy Cross representative addresses the market study stating that 41 single family lots will now take 8-10 years to sell, while 155 townhomes will take approximately 36 months to sell. Representative also states that the regional market is different than the national resurgence that is taking place.

Alderman Rivera states that the 10 minute response time is up.

Alderman Valko explains that he is pro-development within reason and that he is disappointed that the Planning & Zoning Commission forwarded the zoning calendars without a recommendation. Alderman Valko noted that the Planning & Zoning staff wrote a report that had numerous conditions for the petitioners to follow through with in order to gain approval, but he has not seen that the petitioners have met those conditions. Staff specifically addressed a lower density which the petitioners have not changed. Many objectors have expressed concern over dangerous traffic in the area, I sat in my car and watched and watched for dangerous traffic but I did not see any. In my 35 years of police service I can't remember ever responding to a traffic accident at that location. We have heard a lot of talk about the 5% study, but I did my own research and found that a five year time span study released in 2012 listed 6 total car accidents at the location. Although I am pro-development I still cannot support 155 units and the conditions outlined not being met.

Motion by Alderman Valko and seconded by Alderman Newsome to recommend Approval of Zoning Calendar #2382.

AYES: Alderman Rivera

NAYES: Alderman Valko, Alderman TenPas, Alderman Newsome

Motion Fails

Motion by Alderman Valko and seconded by Alderman TenPas to recommend Denial of Zoning Calendar #2382

AYES: Alderman Valko, Alderman TenPas, Alderman Newsome

NAYES: Alderman Rivera

Motion by Alderman Newsome and seconded by Alderman Valko to recommend Denial of Zoning Calendar #2383

AYES: Alderman Valko, Alderman TenPas, Alderman Newsome

NAYES: Alderman Rivera

Motion by Alderman Valko and seconded by Alderman TenPas to recommend Denial of Zoning Calendar #2384

AYES: Alderman Valko, Alderman TenPas, Alderman Newsome

NAYES: Alderman Rivera

#### **4.4 Zoning Calendar #2392**

Petitioner: City of Waukegan/Green Bay Crossings, LLC

Location: 3051 W. Apple Avenue

Request: Amendment to Zoning Calendar #2307, adding an additional condition to the existing Conditional Use Permit for a Composting Facility

Motion by Alderman Newsome and seconded by Alderman TenPas to recommend approval of Zoning Calendar #2392

AYES: All NAYES: None

#### **4.5 Memorandum of Understanding for ComED Substation on Pershing Road**

Requester: Amy Strege

Request: Approval of Memorandum of Understanding with ComEd

Motion by Alderman TenPas and seconded by Alderman Valko to recommend approval of the Memorandum of Understanding.

AYES: All NAYES: None

#### **4.6 Ordinance creating a new A-3 Liquor License for a Microbrewery**

Requester: Anne Linn

Request: Approval of ordinance, as presented, creating a new A-3 Liquor License

Motion by Alderman TenPas and seconded by Alderman Valko to recommend approval of the ordinance creating a new A-3 Liquor License.

AYES: Alderman Rivera, Alderman Valko, Alderman TenPas

NAYES: Alderman Newsome

#### **4.7 Ordinance amending Chapter 14 of the City Code regarding Video Gaming**

Requester: Anne Linn

Request: Approval of Ordinance, as presented, correcting a Scrivener's Error

Motion by Alderman TenPas and seconded by Alderman Valko to recommend approval of the ordinance amending chapter 14 of the City Code to correct a Scrivener's Error.

AYES: All NAYES: None

**5.0     Adjournment**

Motion by Alderman Valko and seconded by Alderman TenPas to adjourn the May 28, 2013 Judiciary Committee.

AYES: All           NAYES: None